

REMARKS

Reconsideration is respectfully solicited.

New Claims 37 et seq. find support in the specification as follows: Substrates (of claims 37, 44 and 51) are recited to include *inter alia* polyurethanes, at page 13, line 4, and to include silicone polymers at page 12, line 18 to line 20. Graft copolymers (of claims 37, 47 and 51) are supported by page 17 line 20. At page 8 the graft (co)polymer (of claims 40, 47, and 54) is described as a tie coat to adhere to additional successive layers. In addition, the graft copolymer (of claims 41, 48, and 55) provides moisture absorption or lubricity; and can (as in Claims 42, 49 and 56) provide functional groups to attach physiologically or pharmacologically active agents; and or act as a drug depot permitting the delivery of drugs from the grafts. Claims 1-36 are canceled.

Applicants respectfully traverse the requirement under 37 CFR 1.121 and the 35 U.S.C. Section 112 rejections of the claims. These rejections are now moot in view of the presentation of Claims 37 et seq. in the stead of previously pending claims 31 et seq.

Applicants respectfully traverse the rejections under 35 USC 102, over either Michal [US 6287285] or Fydelor [U.S. 4377010] and request reconsideration. Applicants rely on the MPEP Section 2131, which indicates that a reference, asserted by the USPTO as an anticipatory reference, must describe each and every element of the claim under examination. In applicants' view, neither Michal [US 6287285] nor Fydelor [U.S. 4377010] satisfy those requirements of Section 2131.

Michal describes a coated medical device. The device itself is described at column 5 lines 33 et seq. to be of conventional material or a metal device. The reference further states that the device may be formed of HDPE, PET, polyolephinic ionomers, nylon and the like [column 5, lines 35-41]. Different sets of embodiments are described in Figures 1-4 [column 2] as opposed to embodiments in Figures 5, [column 11] and Figure 8 and 10-12. In the embodiment of Figures 1-4, a device-support is coated with a first coating material of vinyl, acrylate, and allyl such as any oligomer or monomer, e.g. divinyl benzene, n-vinyl pyrrolidone, and triethylene glycol divinyl ether. The following are exemplary of the acrylate: trimethylol propane triacrylate, pentaerythrito tetraacrylate, and Bisphenol A ethoxylate diacrylate; the following are exemplary of the allyl: allyl ether, di-allyl maleate, and tri-allyl isocyanurate. Please see Michal Column 6, lines 55 et seq.

In applicants view, Michal does not describe each and every element of the claims. Thus withdrawal of the rejections based on Michal is respectfully solicited.

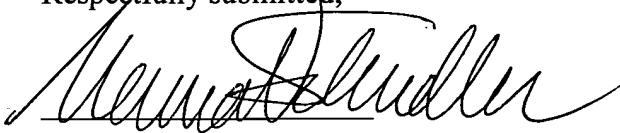
Fydelor relates to devices, as described at Col. 1, lines 20 et seq. to be formed of stainless steel, titanium, titanium alloy, cobalt chrome alloy, pyrolytic carbon, PTFE, PET and silicone rubber. At Col 1, lines 55 et seq. Fydelor states that a hydrophilic thermoplastic graft copolymer is ethylenic carboxyl acid graft-copolymerised onto a base polymer. Col. 1, lines 59 et seq. The preferred ethylenic carboxylic acid: acrylic acid or alkyl substituted acrylic such as methacrylic acid. The base polymer is stated to be selected from polyolefins, fluorinated polyolefins, polyetherurethanes, polydimethylsiloxanes, PET-terephthalates, polyamides, polyacrylonitriles, cellulosic, PVC, polyvinylidene chlorides, PVA, PETPolyviylpyrrolidones. Preferred base polymers are described at Col. 2, lines 2 et seq. to include homo- or copolymers of olefins partially or fully fluorinate olefins PE, PP and PTFE or polyetherurethane. In applicants view, Fydelor does not describe each and every element of the claims. Thus, withdrawal of the rejections based on Fydelor is respectfully solicited.

Reconsideration and an early allowance are respectfully solicited.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 32286-232713.

Respectfully submitted,

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